

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHAD EICHENBERGER,

Plaintiff(s),

v.

ESPN, INC.,

Defendant(s).

Case No. 2:14-cv-00463-TSZ

ORDER REGARDING INITIAL  
DISCLOSURES, JOINT STATUS  
REPORT, AND  
EARLY SETTLEMENT

**I. INITIAL SCHEDULING DATES**

The Court sets the following dates for initial disclosure and submission of the  
Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 5/27/2014

Initial Disclosures Pursuant to FRCP 26(a)(1): 6/10/2014

Combined Joint Status Report and Discovery  
Plan as Required by FRCP 26(f)  
and Local Civil Rule 26(f): 6/10/2014

The deadlines above may be extended only by the Court. Any request for an  
extension should be made by telephone to Claudia Hawney, Judicial Assistant, at  
(206) 370-8830. If Defendants have appeared, the parties are directed to meet and to

1 confer before contacting the Court to request an extension.

2 If this case involves claims which are exempt from the requirements of  
3 FRCP 26(a) and 26(f), please notify Claudia Hawney, Judicial Assistant, by telephone  
4 at (206) 370-8830.

5 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

6 All counsel and any pro se parties are directed to confer and provide the Court  
7 with a combined Joint Status Report and Discovery Plan (the "Report") by  
8 June 10, 2014. This conference shall be by direct and personal communication,  
9 whether that be a face-to-face meeting or a telephonic conference. The Report will be  
10 used in setting a schedule for the prompt completion of the case. It must contain the  
11 following information by corresponding paragraph numbers:

- 12 1. A statement of the nature and complexity of the case.
- 13 2. A proposed deadline for the joining of additional parties.
- 14 3. The parties have the right to consent to assignment of this case to a full-time  
15 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13  
16 to conduct all proceedings. The Western District of Washington assigns a wide range of  
17 cases to Magistrate Judges. The Magistrate Judges of this District thus have significant  
18 experience in all types of civil matters filed in our court. Additional information about  
19 our District's Magistrate Judges can be found at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov). The  
20 parties should indicate whether they agree that the Honorable Mary Alice Theiler  
21 may conduct all proceedings including trial and the entry of judgment. When  
22 responding to this question, the parties should only respond "yes" or "no". Individual  
23 party responses should not be provided. A "yes" response should be indicated only

1 if parties consent. Otherwise, a "no" response should be provided.

2 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),  
3 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which  
4 includes the following topics:

- 5 (A) initial disclosures;
- 6 (B) subjects, timing, and potential phasing of discovery;
- 7 (C) electronically stored information;
- 8 (D) privilege issues;
- 9 (E) proposed limitations on discovery; and
- 10 (F) the need for any discovery related orders.

11 5. The parties' views, proposals, and agreements, by corresponding paragraph  
12 letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes  
13 the following topics:

- 14 (A) prompt case resolution;
- 15 (B) alternative dispute resolution;
- 16 (C) related cases;
- 17 (D) discovery management;
- 18 (E) anticipated discovery sought;
- 19 (F) phasing motions;
- 20 (G) preservation of discoverable information;
- 21 (H) privilege issues;
- 22 (I) Model Protocol for Discovery of ESI; and;
- 23 (J) alternatives to Model Protocol.

1           6. The date by which discovery can be completed.

2           7. Whether the case should be bifurcated by trying the liability issues before  
3 the damages issues, or bifurcated in any other way.

4           8. Whether the pretrial statements and pretrial order called for by Local Civil  
5 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part  
6 for the sake of economy.

7           9. Whether the parties intend to utilize the Individualized Trial Program set  
8 forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil  
9 Rule 39.1.

10          10. Any other suggestions for shortening or simplifying the case.

11          11. The date the case will be ready for trial. The Court expects that most civil  
12 cases will be ready for trial within a year after filing the Joint Status Report and  
13 Discovery Plan.

14          12. Whether the trial will be jury or non–jury.

15          13. The number of trial days required.

16          14. The names, addresses, and telephone numbers of all trial counsel.

17          15. The dates on which the trial counsel may have complications to be  
18 considered in setting a trial date.

19          16. If, on the due date of the Report, all defendant(s) or respondent(s) have not  
20 been served, counsel for the plaintiff shall advise the Court when service will be  
21 effected, why it was not made earlier, and shall provide a proposed schedule for the  
22 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

23          17. Whether any party wishes a scheduling conference before the Court enters

1 a scheduling order in the case.

2 18. List the date(s) that each and every nongovernmental corporate party filed  
3 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

4 19. Whether the parties consent to having hearings in this matter video recorded  
5 as part of the Judiciary's Pilot Project on Cameras in the Courtroom, as set forth in  
6 Section V below.

7 If the parties are unable to agree to any part of the Report, they may answer in  
8 separate paragraphs. No separate reports are to be filed. If the parties wish to have a  
9 status conference with the Court at any time during the pendency of this action, they  
10 should notify Claudia Hawney by telephone at (206) 370-8830.

### 11 **III. PLAINTIFF'S RESPONSIBILITY**

12 This Order is issued at the outset of the case, and a copy is sent by the Clerk to  
13 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.  
14 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all  
15 parties who appear after this Order is filed. Such service shall be accomplished  
16 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)  
17 will be responsible for starting the communications needed to comply with this Order.

### 18 **IV. PROCEDURAL INFORMATION**

19 The Local Rules, Electronic Filing Procedures for Civil and Criminal Cases,  
20 court forms, instruction sheets, and General Orders can be found on the Court's  
21 website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov).

### 22 **V. PILOT PROJECT: CAMERAS IN THE COURTROOM**

23 The Western District of Washington is participating in the Judiciary's Pilot

1 Project on Cameras in the Courtroom. This project is a three-year study to evaluate  
2 the effects of cameras in the courtrooms. Additional information about the  
3 Pilot Program can be found at the U.S. Court's Cameras in the Courts Website,  
4 [www.uscourts.gov/Multimedia/Cameras/OverviewofPilot.aspx](http://www.uscourts.gov/Multimedia/Cameras/OverviewofPilot.aspx). This case is eligible to  
5 have proceedings video recorded and made available to the public via the U.S. Court's  
6 and the Western District of Washington's web sites. Even if the parties consent in their  
7 joint status report, the Court will not automatically record all proceedings in a case.

8 If the parties indicate that they consent in their joint status report, notice will be  
9 sent prior to each scheduled proceeding seeking consent of all parties to have the  
10 scheduled proceeding recorded. If all parties consent, and the judge approves, the  
11 hearing will be recorded and made available to the public as part of the pilot project.  
12 More information about this pilot project can be found on the Court's web site  
13 at [www.uscourts.gov/multimedia/cameras.aspx](http://www.uscourts.gov/multimedia/cameras.aspx).

#### 14 **VI. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

15 If settlement is achieved, counsel shall immediately notify Claudia Hawney,  
16 Judicial Assistant, at (206) 370-8830.

17 The parties are responsible for complying with the terms of this Order. The Court  
18 may impose sanctions on any party who fails to comply fully with this Order.

19 DATED The 11th of April 2014.

20 s/ Thomas S. Zilly  
21 Thomas S. Zilly  
22 United States District Judge